

**PATENT**

**ATTORNEY DOCKET NO.: KCX-1457 (16088)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Morman, M.	)	Examiner: Reichle, Karin M.
	)	
Serial No.: 10/025,027	)	Art Unit: 3761
	)	
Filed: 12/19/2001	)	Deposit Acct. No.: 04-1403
	)	
Title: Method for making an absorbent	)	Client ID: 22827
article with elastic cuff areas and	)	
necked substrates	)	

Mailstop Appeal Brief - Patents  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Post Office Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NON-COMPLIANT APPEAL BRIEF**

Honorable Commissioner:

Pursuant to the Notification of Non-Compliant Appeal Brief mailed on July 22, 2008,  
Appellants respectfully submit the enclosed response.

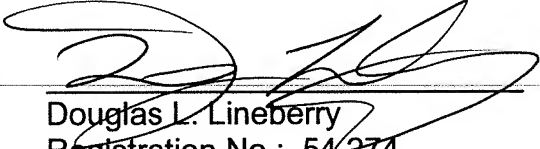
Respectfully submitted,

DORITY & MANNING, P.A.

DATE

August 18, 2008

By:

  
Douglas L. Lineberry  
Registration No.: 54,274

P.O. Box 1449  
Greenville, SC 29602-1449  
Tel (864) 271-1592  
Fax (864) 233-7342

**Section III: STATUS OF CLAIMS**

Claims 1-6, 8-15, 28-29 and 32-40 including independent claims 1, 13, 14, 15 and 37 are pending in this action. Claims 2, 5 and 8-10 are withdrawn from the present application and claims 7, 16-27, and 30-31 have been canceled. New claims 33-40 were added after the October 22, 2007 final rejection and were not entered pursuant to the December 19, 2007 Advisory Action.

Claims 1, 3, 4, 6, 11-15, 28-29 and 32-33 are under appeal, a clean copy of these appealed claims is attached hereto in the Claims Appendix.

In the Final Office Action of October 22, 2007, claims 1, 3, 4, 6, 11-15, 28-29 and 32-33 were finally rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over, Litchholt '919.

**Section IV: STATUS OF AMENDMENTS**

No appealed claims were amended after the final rejection issued on October 22, 2007. New claims 34-40 were added after the October 22, 2007 final rejection. These claims were not entered pursuant to the December 19, 2007 Advisory Action.

**Section VIII: CLAIMS APPENDIX**

1. A method of producing elastic cuffs for resultant garments obtained from a web assembly of precursor garments, the steps comprising:

a) applying necking tension to the web assembly of precursor garments to neck each precursor garment to provide a percent neckdown of about 20% to about 80% thereby placing the precursor garment at a first width, the precursor garment being extendible to a second non-necked width wider than the first width when the necking tension is removed;

b) affixing strands of elastic material in an untensioned state to a cuff area of each precursor garment while at the first width;

c) removing necking tension from each of the precursor garments with the elastic material thereon and causing the precursor garment to assume the non-necked second width at areas outside the cuff area having the elastic material thereon; and

d) dividing the web assembly of precursor garments into resultant garments;

e) whereby the elastic material holds the cuff area at a dimension narrower than the second width in the resultant garments.

3. The method according to Claim 1 wherein each of the precursor garments comprises a backsheet defined by the web assembly.

4. The method according to Claim 3 wherein each of the precursor garments further comprises a topsheet defined by the web assembly.

6. The method according to Claim 3 wherein the backsheet comprises material selected from the group comprising: neckable nonwovens, neckable films, neckable laminates, or combinations thereof.

11. The method according to Claim 1 wherein the cuff area is a leg cuff area.

12. The method according to Claim 1 wherein the cuff area is a waistband area.

13. A method of producing selectively elastic areas in a web assembly of precursor garments, the web assembly having a longitudinal direction and a lateral direction, the steps comprising:

a) necking the web assembly of precursor garments to provide a percent neckdown of about 20% to about 80% thereby placing the web assembly at a first width, with width being measured in the lateral direction, the web assembly being expandable to a second non-necked width wider than the first width when the necking tension is removed;

b) affixing strands of elastic material in an untensioned state to a selected area of the web assembly when the web assembly is at the first width;

c) removing necking tension from the selected area of the web assembly with the elastic thereon and causing the web assembly to assume the second width at areas outside the selected area of the web assembly, whereby the elastic material holds the selected area of the web assembly at a dimension narrower than the second width; and

d) dividing the web assembly of precursor garments into resultant garments.

14. A method of producing elastic waistbands for resultant garments obtained from a web assembly of precursor garments, the precursor garments having a longitudinal direction and a lateral direction, the steps comprising:

a) applying necking tension to the web assembly of precursor garments to neck each precursor garment to provide a percent neckdown of about 20% to about 80% thereby placing the precursor garment at a first width in the lateral direction of the

precursor garment, the precursor garment being extendible to a second non-necked width wider than the first width when the necking tension is removed;

b) affixing strands of elastic material in an untensioned state to a waistband portion of each precursor garment while at the first width;

c) removing necking tension from each of the precursor garments with the elastic material thereon and causing the precursor garment to assume the non-necked second width at areas outside the waistband portion having elastic material; and

d) dividing the web assembly of precursor garments into resultant garments;

e) whereby the elastic material holds the waistband portion at a dimension narrower than the second width in the resultant garments.

15. A method of producing elastic leg cuffs for resultant garments obtained from a web assembly of precursor garments, the precursor garments having a longitudinal direction and a lateral direction, the steps comprising:

a) applying necking tension to the web assembly of precursor garments to neck a leg cuff area of each precursor garment to provide a percent neckdown of about 20% to about 80% thereby placing the leg cuff area at a first width in the longitudinal direction of the precursor garment, the leg cuff area of the precursor garment being extendible to a second non-necked width wider than the first width when the necking tension is removed;

b) affixing strands of elastic material in an untensioned state to the leg cuff area of each precursor garment while at the first width;

c) removing necking tension from each of the precursor garments with the elastic material thereon and causing the precursor garment to assume the non-necked second width at areas outside the leg cuff area having elastic material; and

d) dividing the web assembly of precursor garments into resultant garments;

e) whereby the elastic material holds the leg cuff area at a dimension narrower than the second width in the resultant garments.

28. The method according to Claim 1 wherein the cuff area is necked to from about 20 to about 60%.

29. The method according to Claim 1 wherein the cuff area is necked to from about 30 to about 50%.

32. The method according to Claim 13 wherein the web is necked to from about 20 to about 60%.

33. The method according to Claim 13 wherein the web is necked to from about 30 to about 50%.